Title: Notices under Rule 184 against Shri L.K. Advani, Dr. Murli Manohar Joshi and Kumari Uma Bharati, Ministers on the ground of the charges framed against them by the trial court in a criminal case.

...(*Interruptions*)

At this stage, Kunwar Akhilesh Singh, Shri Suresh Pasi, Shri Adhir Chowdhary, Shri Anil Basu, Shri Ajoy Chakraborty, Shri G.M. Banatwalla and some other hon. Members came and stood on the floor near the Table

MR. SPEAKER: Please go back to your seats. There is an observation from the Chair.

...(*Interruptions*)

MR. SPEAKER: Please go back to your seats.

...(*Interruptions*)

11.01 hrs.

OBSERVATIONS BY THE SPEAKER

ADMISSIBILITY OF NOTICES OF MOTION UNDER RULE 184 PERTAINING TO FRAMING OF CHARGES BY THE TRIAL COURT AGAINST THREE UNION MINISTERS

MR. SPEAKER: Hon. Members, Sarvashri S. Jaipal Reddy, Rashid Alvi, G.M. Banatwalla, Basu Deb Acharia, Hannan Mollah, Rupchand Pal, Somnath Chatterjee, Moinul Hassan and Dr. Raghuvansh Prasad Singh have given notices of a motion under rule 184 which is in the nature of a censure motion against Shri L.K. Advani, Dr. Murli Manohar Joshi and Kumari Uma Bharati, Ministers on the ground that charges had been framed against them by the trial court in a criminal case. All the notices seek removal of the three Ministers from the Council of Ministers.

...(*Interruptions*)

MR. SPEAKER: I have since obtained the facts in the matter from the Ministry of Home Affairs. According to them the matter is presently pending before the Lucknow Bench of Allahabad High Court in a revision petition filed against the order dated 9th September, 1997 of the Special Judge, Lucknow. The Ministry have stated that the matter is *sub judice.*

As per the provisions of rule 186 relating to admissibility of notices of motions, a notice under rule 184 to be admissible "shall be restricted to a matter of recent occurrence" [rule 186 (iv)] and "shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India" [rule 186(viii)].

Further, according to ""Kaul and Shakdher"" (at page 671, 5th Edition) a censure motion seeking to drop a Minister from Council of Ministers is inadmissible as the Council of Ministers is collectively responsible to Lok Sabha.

...(*Interruptions*)

MR. SPEAKER: Since the matter has been pending in court since 1997, all the notices under rule 184 are liable to be disallowed under rule 186(iv) for relating to a matter which is not of a recent occurrence and rule 186(viii) for pertaining to a matter which is *sub judice* and also for being against the principle of collective responsibility as stated above.

As the Speaker of this august House, I am duty bound to follow and enforce the rules which have been given to me by the House. At the same time, it is also my duty to ensure that business of the House is transacted in an orderly manner.

The manner in which the proceedings of the House have been stalled during the past week has really pained me. In my sincere desire to resolve this position of stalemate, I have two proposals to place before the House.

First, the hon. Members desirous of having a discussion on the matter may give notices in appropriate form which are admissible under the rules so that the House can take up discussion thereon at an appropriate time.

...(*Interruptions*)

MR. SPEAKER: Alternatively, as all of you are aware, the House is supreme in procedural matters, so much so that it can suspend the rules, if circumstances so demand. In the larger interest of the institution and for resolving the present deadlock, I would not like to stand in the way of any discussion under any rule if all sections of the House were agreeable to suspension of relevant rules on a proper motion to that effect, to enable a discussion on the matter.

While discussing the matter, the House will, however, have to ensure that nothing is said during the debate which may prejudice the course of justice in any manner.

...(*Interruptions*)

MR. SPEAKER: Please go back to your seats.

...(*Interruptions*)

MR. SPEAKER: The House stands adjourned to meet again tomorrow at 11.00 a.m.

1108 hours

The Lok Sabha then adjourned till Eleven of the Clock

on Tuesday, December 12, 2000/Agrahayana 21, 1922 (Saka).